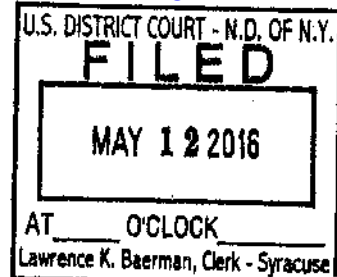


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK



Johnny W. Boyde, )  
Plaintiff(s), )  
 )  
vs. )  
 )  
New York State, )  
County of Onondaga, )  
City of Syracuse, )  
Defendant(s). )

Civil Case No.: \_\_\_\_\_

CIVIL  
RIGHTS  
COMPLAINT  
PURSUANT TO  
42 U.S.C. SEC., 1983

5:16-CV-555  
LEK/TWD

Plaintiff(s) demand(s) a trial by: JURY ☒ COURT (Select only one)

Plaintiff(s) in the above-captioned action, allege(s) as follows:

**JURISDICTION**

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

**PARTIES**

2. Plaintiff: **JOHNNY W. BOYDE**  
**301 MCCOOL AVENUE APT #2**  
**EAST SYRACUSE, NEW YORK 13057**

Additional Plaintiffs may be added on a separate sheet of paper.

3. A. Defendant: **NEW YORK STATE**  
**651 EIRE BOULEVARD SUITE #102**  
**SYRACUSE, NEW YORK 13204**
- b. Defendant: **COUNTY OF ONONDAGA**  
**421 MONTGOMERY STREET**  
**SYRACUSE, NEW YORK 13202**

c. Defendant: **CITY OF SYRACUSE  
233 EAST WASHINGTON STREET  
SYRACUSE, NEW YORK 13202**

Additional Defendants may be added on a separate sheet of paper.

4. **FACTS**

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint.** (You must use additional sheets as necessary).

The nature of the action is as follows:

Johnny Boyde was accused by the girls (victim) mother. He was incarcerated on 07/21/2010. He signed a confession under duress. This was the only evidence supporting the conviction. The confession was struck by the Appellate Division and there was no proof to incriminate him and he was released on 04/29/2015. Therefore the Defendants individually, jointly or as part of a common plan told media (television, internet and newspaper) that a warrant was issued for him, that he was the number one (#1) fugitive in the area and that he was sex offender. The Plaintiff went down to the police station and was incarcerated again by the City Police and the County of Onondaga. The Defendants have still not notified the media.

The Plaintiff alleges that said actions were intentional, reckless, negligent, iniquitable, illegal and wrongful and amount to claims for:

False arrest as a Sex Offender, malicious prosecution, illegal and wrongful imprisonment, illegal reimprisonment, libel and slander, false arrest again, malicious prosecution again, wrongful imprisonment, Court of Claims Act 8-b violation of the

Constitution of the United States, the Constitution of the State of New York the laws of the State of New York and the United States and regulations of the United States of America, New York State and the County of Onondaga and the City of Syracuse.

Said Claimant was unjustly convicted and imprisoned for five (5) years due to a coerced confession which was the only proof in the case.

The date upon which the claim arose in on or about initial date of Arrest 07/21/2010 imprisoned 07/21/2010 to 04/29/2015

Warrant issued 07/14/2015 (est)

Press released to media circa 07/14/2015

Rearrested 07/17/2015

Released 07/21/2015

Warrant issued 12/30/2015

Rearrested 02/26/1016

Released 03/03/2016

5.

#### **CAUSES OF ACTION**

**Note: You must clearly state each cause of action you assert in this lawsuit.**

#### **FIRST CAUSE OF ACTION**

The damage sustained is more particularly described as follows:

pain suffering, psychological damages, loss of enjoyment, five (5) years in prison, loss of income, damage to reputation and other damages

The claimant is still evaluating the damages and related losses and will particularize the items and amount further at a later time as such these are only the current estimates.

The Plaintiff are unable to particularize his claim, its causes and its damages more particularly at this time, because the matter is under investigation by experts and is pending the result of their investigation. Said claim its related causes and damages will be further particularized after the expert investigation is finished. The Plaintiff is unable to particularize has damages further at this time.

The Plaintiff may have further sustained health problems with resultant medical, wages and pain and suffering damages. The Plaintiff is unable to particularize his damages further at this time.

## SECOND CAUSE OF ACTION

**Note:** The second Cause of Action in detail has been completely perfected, organized and well worded from one of the Counsel(s) that the Plaintiff have/had found on his own (Mr. Woodruff Lee Carroll), [a letter to three (3) different Parties] who had removed himself from the Plaintiff's case without any detailed reason(s). (See attached) and as follows:

The defendant is here on the 21<sup>st</sup> day of July, 2015, on the behalf of Mr. Johnny Boyde/**APPELLATE DIVISION, FOURTH DEPARTMENT** in which on the \_\_\_\_-day of **November, 2014**, the Appellate Division had made a render base upon **"REVERSAL/VACATURE."**

On the 27<sup>th</sup> day of **April, 2015**, the defendant had forwarded a **handwritten letter** to Mr. Judge Joseph E., Fahey, **PART: 1; and Chamber: 360**, confirming that the defendant wish(es) to: **"ACCEPT TIME SERVE WITH THE DEFENDANT APPEAL RIGHT(S) ATTACHED."**

**NOTE:** the defendant had obtained his/her freedom on the 29<sup>th</sup> day of **April, 2015**, two (2) days- -after the defendant's **04/27/2015 letter to Judge Joseph E., Fahey, 360 of the ONONDAGA COUNTY CRIMINAL COURT: 505 SOUTH STATE STREET SYRACUSE, NEW YORK 13202**, without an agreement upon any **"final"** stipulation(s) in order to proceed on the behalf of the defendant's **APPELLATE DIVISION DECISION/TIME SERVE**, without being under **CONSTANT SUPERVISION**, and/or Probation, including but not limited to, being on the Registration Listing.

The current pending/active **warrant of arrest** which has been filed on the 14<sup>th</sup> day of **July, 2015**, has/have **"infringed- -on the defendant right(s) as law abiding Citizen"** : ["**1. Damaging Personal Image; and Reputation; 2. Endangering Private/Social/Personal Wellbeing....**, and all violation(s) that, falls under the requirement(s)"] that, are unjust and illegal. (See, attached documentation(s) to abet- -(support))

Coming to a conclusion, the defendant is respectfully seeking a clarification, upon the matter at bar; and to restore all the defendant's freedom of right(s) **ON OR BEFORE THE DATE OF THE DEFENDANT'S NEXT SCHEDULED COURT APPEARANCE: July 29<sup>th</sup>, 2015, at 10:00a.m., before Honorable Judge Joseph E., Fahey, 360; Part: 1)** due to the fact that, the herein reference isn't currently under any kind of Supervision in order to be labeled as a **Fugitive of the week of July 14<sup>th</sup>, 2015**, with the help of the current Court Appointed Counsel under the influence of: **possible conflict of interest- -Irene A., Flores, ESQ., 447 East Washington Street, Syracuse, New York 13202.**

## THIRD CAUSE OF ACTION

**Note:** The Third Cause of Action includes Exhibit(s) to support the herein Plaintiff's ground(s) in this Lawsuit [in which where mentioned in the Claimant's NOTICE OF INTENT TO FILE A CLAIM against the above-captioned Decedent(s)] are as follows:

**EXHIBIT A:** Mental notes form Mr. Woodruff Lee Carroll assistance clerk- - Dated: 06/25/2015,

**EXHIBIT B:** APPELLATE RETURN THE PEOPLE OF THE STATE OF NEW YORK vs. JOHNNY BOYDE, DOB: 08/04/1990- - Dated: September 14<sup>th</sup>, 2010,

**EXHIBIT C:** Release of Information- -Dated: 07/22/2015

**EXHIBIT D:** STATE OF NEW YORK UNIFIED COURT SYSTEM ONONDAGA SUPREME & COUNTY COURTS COURT CLERK OFFICE - CRIMINAL 505 SOUTH STATE STREET SUITE 110 SYRACUSE, NEW YORK 13202- - Reason: Indictment No.: 2010-0948-1 Index No.: 10-1137- -Dated: July 22<sup>nd</sup>, 2015,

**EXHIBIT D (I):** LISTING OF COURT APPEARANCE(S) to abet (support) EXHIBIT D.,

**EXHIBIT E:** THE GRAND JURY accusatory instruments file stamped and dated,

**EXHIBIT F:** (another mental note from Mr. Woodruff assistant former counsel to support EXHIBIT G, H, I, and J (see EXHIBIT A)),

**EXHIBIT G:** Alert-Sex Offender relocation notice - NY-Alert:

website(s):

- [www.nyalert.gov/Pub/News/AlertView.aspx?notID...refer...](http://www.nyalert.gov/Pub/News/AlertView.aspx?notID...refer...)),
- <http://www.bustedoffenders.com/new-york/cape-vincent/sex-offenders/johnny-boyde/34903> (see, EXHIBIT H (three (3) pages),

**EXHIBIT H:** B! (busted) OFFENDERS (total of pages: three 3),

**EXHIBIT I:** SUPREME COURT OF THE STATE OF NEW YORK - - NOTICE OF CLAIM (in which Mr. Woodruff, Carroll prepared for the claimant), (total of - - front and back - - pages: two (2)),

and,

**EXHIBIT J:** website, and the APPELLATE DIVISION, FOURTH DEPARTMENT DECISION. (Total of - - front and back - - pages: four (4))

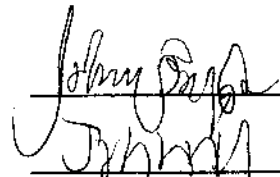
**6. PRAYER OF RELIEF**

**WHEREFORE**, plaintiff(s) request(s) that this Court grant the following relief:

The Plaintiff is hereby before this Honorable Court in respect to the underline Cause of Action(s), pain suffering, psychological damages, loss of enjoyment, five (5) years in prison, loss of income, damage to (current) reputation and other damages, respectfully seeking some payment from the herein Defendant(s) in the amount of \$20,000,000.00 or whatsoever this Honorable Court may deem proper and just in the interest of justice and on the law from 07/21/2010 to 07/21/2015.


**I declare under penalty of perjury that the forgoing is true and correct**

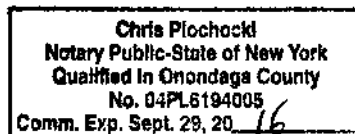
DATED: 5/12/2016

  
\_\_\_\_\_  
Signature of Plaintiff(s)  
(all Plaintiffs must sign)

sworn before me on the

12<sup>th</sup>, day of May, 20 16

  
\_\_\_\_\_  
Notary Public



SECOND  
CAUSE  
OF  
ACTION  
" "  
A

STATE OF NEW YORK  
DEPARTMENT OF NEW YORK  
120 GIFFORD STREET  
SYRACUSE, NEW YORK 13202

JULY \_\_th, 20\_\_

To the following Parties:

Hon.: Joseph E., Fahey;

Syracuse Post-Standard;

Irene A., Flores, ESQ.; and

Mr. Johnny W., Boyde, (*the defendant/illegal suspect*)

Re.: *People v. Johnny Boyde*, 1302 3.d, 122a.d 995 N.Y.S.2 d 428

Indictment#: 2010-0948-1

Onondaga County : City of : Syracuse, New York

Dear the above-Parties:

The defendant is here on the \_\_\_\_day of July, 20\_\_\_\_, on the behalf of Mr. Johnny Boyde/APPELLATE DIVISION, FOURTH DEPARTMENT in which on the\_\_\_\_day of November, 2014, the Appellate Division had made a render based upon "REVERSAL/VACATURE."

On the\_\_\_\_day of April, 20\_\_\_\_, the defendant had forwarded a *handwritten letter* to Mr. Judge Joseph E., Fahey, PART: 1; and Chamber: 360, confirming that the defendant wish(es) to: "ACCEPT TIME SERVE WITH THE DEFENDANT APPEAL RIGHT(S) ATTACHED."

NOTE: the defendant had obtained his/her freedom on the\_\_\_\_day of April, 20\_\_\_\_, two (2) days-- after the defendant's \_\_\_\_/\_\_\_\_/20\_\_\_\_ letter to Judge Joseph E., Fahey, 360 of the ONONDAGA COUNTY CRIMINAL COURT: 505 SOUTH STATE STREET, SYRACUSE, N.Y. 13202, without an agreement upon any "final" stipulation(s) in order to proceed on the behalf of the defendant's APPELLATE DIVISION DECISION/TIME SERVE.



**"FALSE INFORMATION/FALSE ADVERTISEMENT"**

Local SYR

Website: <http://www.localsyr.com/story/d/story/fugitive-sex-offender-sought-by-police/36899/16cMKPxjoUOt5BiBMqQxw>

Fugitive sex offender sought by police

07/14/2015 11:27 PM 07/15/2015 12:00 AM

Syracuse (WSYR-TV) - Onondaga County Sheriff's Deputies have named Johnny Boyde, 24, as the News Channel 9 Fugitive of The Week.

Boyde is wanted on a bench warrant out of Superior Court relative to a sex crime. Deputies say he violated his probation and has failed to register as a sex offender.

In January of 2011, Boyde was convicted of sexual abuse in the 1st degree for having inappropriate contact with a child.

Onondaga County Sheriff's detective Jon Seeber says Boyde is a priority on their list because he is a level 3 sex offender and considered a high-risk to reoffend.

"He was living at the Rescue Mission on Gifford Street. He doesn't live there anymore. We don't have a location on his whereabouts, so we're hoping the public can help," says Seeber.

Boyde is 5'11", 198 lbs, with black hair and brown eyes. Anyone with information on his whereabouts is urged to call the Fugitive Task Force Tip line at 473-7625. All calls will remain confidential.

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Page: 1

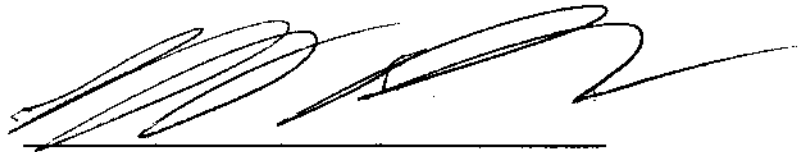
Johnny Boyde, (Defendant).



sworn before me on

the 12<sup>th</sup> day of May

\_\_\_\_\_, 2016



NOTARY--PUBLIC

Chris Plochocki Notary Public-State of New York Qualified in Onondaga County No. 04PL6184005 Comm. Exp. Sept. 29, 20 <u>16</u>
--

THIRD

CAUSE

OF

ACTION

"A — J"

EXHIBIT

A

6/25/2015

Court  
7/8/2015

Johnny Bayde

Feb 15, 2011 Plead ~~to~~ guilty  
to Sex Abuse 130.65(2)  
(Class D)

Feb 15, 2011 : Sentenced to 10 yrs prp

Sept 22 2011 : Re-sentenced, Violation of  
Probation Sex Abuse 2nd : 7 years

He pleaded guilty to entire indictment

∴ Served the sentences for all  
chargesThen case back to d. Foley b/c  
Appellate Div sent case sent  
back "overturn" by J. Foley\* Did not request diff  
fel De Canzo & KennedyMust be relieved of obligation to  
Registration

- remove from all registers

EXHIBIT

3

**ONONDAGA COUNTY  
COUNTY COURT, SYRACUSE, NEW YORK  
Hon. Joseph E. Fahey, Presiding**

**Indict #:** 2010-0948-1  
**Index #:** 10-1137  
**NYSID #:** 2593752Q  
**Filed:** September 14, 2010

**APPELLATE RETURN**

**THE PEOPLE OF THE STATE OF NEW YORK**

-vs-

**JOHNNY BOYDE, DOB: 1990**

The Appellate Division, Fourth Department by Memorandum and Order, KA 13-00991, reversed the plea of guilty by the defendant, **JOHNNY BOYDE**, of Sexual Abuse 1<sup>st</sup> (PL-130.65(2)), Sexual Abuse 2<sup>nd</sup>, (PL-130.60(2)), Endangering the Welfare of a Child (PL-260.10) rendered on February 15, 2011 and returned the matter to Onondaga County Court for further proceedings on the indictment.

The defendant, **JOHNNY BOYDE**, with counsel, Todd Smith, Esq., and the prosecutor appeared before the Court on December 8, 2014 for an initial appearance on the returned indictment. Defendant was advised that he is entitled to be represented by counsel and if indigent, counsel would be provided by the Court. Defendant was further advised that he is entitled to a trial by jury or by the Court and if defendant waived this right and entered a plea of guilty, it was the same as a conviction after trial.

Said defendant being represented by **Aurora Flores**, Esq., entered a plea of guilty to **Sexual Abuse 1<sup>st</sup> (PL-130.65(2))** on April 29, 2015.

On July 21, 2015, the Defendant **JOHNNY BOYDE**, by Order of the Court, was sentenced to Time Served, Order of Protection, Rated a Level 3 Sex Offender.

I certify the above to be a true extract of the Court Minutes.

  
\_\_\_\_\_  
Kelly Redmore, Court Clerk

**Court Reporters:**  
**Initial Appearance:** Jamie Pacheco  
**Disposition:** Shelley Strader  
**Sentence:** Judy Tracy

EXHIBIT

C



THE PEOPLE OF THE STATE OF NEW YORK

VS.

JOHNNY BOYDE (DOB 1990)  
Defendant

7-22-2015  
Date

I, JOHNNY BOYDE hereby make application to the Honorable Thomas J. Miller

Judge of the Onondaga County Court for release of information referring to the above-entitled

action. Information requested is case information and certificates of  
disposition for INDICTMENT NO: 2010-0948-1, INDEX NO: 10-1137

Reason for request review of COURT DOCUMENTS

Victim's name should be redacted (TJM)

Verbally to Witness 7-22-2015  
Signature Date

Witnessed by James E. Markowicz  
JAMES E. MARKOWICZ  
DEPUTY CHIEF CLERK  
7-22-2015  
Date

Thomas J. Miller  
Signature of Judge  
Granting Release

7/23/15  
Date

EXHIBIT

D



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
ONONDAGA SUPREME & COUNTY COURTS  
COURT CLERKS OFFICE - CRIMINAL  
505 SOUTH STATE ST., SUITE 110  
SYRACUSE, NEW YORK 13202

Civil - (315) 671-1030  
Civil Fax - (315) 671-1176  
Criminal - (315) 671-1020  
Criminal Fax - (315) 671-1191

Patricia J. Noll  
Chief Clerk

James E. Makowiec  
Deputy Chief Clerk

Date: July 22, 2015

To: Johnny Boyde (DOB: 1990)

From: James E. Makowiec  
Deputy Chief Clerk

A handwritten signature in cursive script that reads "James E. Makowiec".

re: Indictment No: 2010-0948-1  
Index No: 10-1137

---

Per your request, the attached is a list of court appearances for the above captioned indictment from November 17, 2014 through July 21, 2015 which represents appearances after the indictment was returned by the Appellate Division, 4th Department. Transcripts for all prior appearances for the case are on file with the Onondaga County Clerk and were provided to your appellate attorney, Hiscock Legal Aid Society. The transcripts from the list would not be produced until ordered or the case is again appealed. You would be responsible for the cost of producing the documents unless you are granted indigent status by the Appellate Division Fourth Department. If you are granted indigent status for the appeal the transcript will be provided to your appointed attorney. You can obtain a copy from your attorney or from the Onondaga County Clerk for a fee.

You can write to each of the court reporters individually at the letterhead address to obtain an estimate of the cost for producing the transcripts. All other records for your case are on file with the Onondaga County Clerk's Office, Criminal Actions, 401 Montgomery Street, Syracuse, New York 13202.

JEM/j  
enclosure

**Defendant Name:**  
JOHNNY BOYDE

**Ind/SCI No:**  
2010-0948-1

**NYSID:**  
2593752Q

**Appearance Date:**

**Purpose of Appearance:**

**Court Reporter:**

11-17-2014	RETURN FROM APPELLATE DIVISION KA-13-00991	
12-08-2014	REPORT - TODD SMITH, APRD	JAMIE PACHECO
12-16-2014	REPORT	VALARIE WAITE
01-08-2015	REPORT	ANNE MESSINEO
01-22-2015	ATTY RELIEVED	ANNE MESSINEO
02-02-2015	ADJOURNED (no appearances)	
02-18-2015	APPEAREDD W/NEW ATTY	ANNE MESSINEO
04-16-2015	ADJOURNED (no appearances)	
04-20-2015	ADJOURNED (no appearances)	
04-22-2015	ATTY RELIEVED	PATRICIA ALEXANDER
04-29-2015	PLEAD GUILTY	SHELLEY STRADER
✓ 07-08-2015	SENTENCE ADJOURNED	DEBORAH DLUGOLECKI
07-08-2015	BENCH WARRANT ISSUED (no appearances)	
07-20-2015	RETURN ON WARRANT	JUDY TRACY
✕ ✕ 07-21-2015	SENTENCE	JUDY TRACY

TRANSCRIPTS FROM PRIOR APPEARANCES ARE ON FILE AT THE ONONDAGA COUNTY CLERK'S OFFICE, CRIMINAL ACTIONS

EXHIBIT

E

FILED

**COUNTY COURT**

COUNTY OF ONONDAGA STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

Plaintiff

vs.

2010 SEP 14 A 9 25

ONONDAGA CO. CLERK'S OFFICE

*M. Dan Chappelli*

Indictment No. 2010-0948-1

Index No. 10-1137

JOHNNY BOYDE

Defendant

THE GRAND JURY OF THE COUNTY OF ONONDAGA by this indictment accuses

JOHNNY BOYD

of the crime of **SEXUAL ABUSE IN THE FIRST DEGREE**

in violation of Section 130.65(2)

of the Penal Law of the State of New York

committed as follows:

The said JOHNNY BOYD, on or about the 21st day of July, 2010, at the City of Syracuse, in this county, subjected Jane Doe, a real person whose true identity is known to the grand jury, to sexual contact when Jane Doe was incapable of consent by reason of being physically helpless.

**SECOND COUNT**

AND THE AFORESAID GRAND JURY by this Indictment further accuses JOHNNY BOYD of the crime of **SEXUAL ABUSE IN THE SECOND DEGREE** in violation of Section 130.60(2) of the Penal Law of the State of New York, committed as follows:

That on or about the 21st day of July, 2010, at the City of Syracuse, in this county, the defendant subjected Jane Doe, a real person whose true identity is known to the Grand Jury and who was less than fourteen years old, to sexual contact, to wit: The defendant subjected an eleven-year-old female child to sexual contact.

**THIRD COUNT**

AND THE AFORESAID GRAND JURY by this Indictment further accuses JOHNNY BOYD of the crime of **ENDANGERING THE WELFARE OF A CHILD** in violation of Section 260.10(1) of the Penal Law of the State of New York, committed as follows:

That on or about the 21st day of July, 2010, at the City of Syracuse, in this county, the defendant knowingly acted in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old, specifically eleven years old.

*William F. Fitch*

DISTRICT ATTORNEY

"THE PEOPLE HEREBY ANNOUNCE READY FOR TRIAL ( ) / /."

EXHIBIT

F

BOYDE, JAMIE  
custody status  
sentence

7/21/15 released

NYVINE

{ 315 } #2  
435  
1782

Opine -  
Channel 9  
Syndicated News

letter to <sup>preserve</sup> ~~preserve~~ evidence to all  
media

{ RAP  
no prob  
trespass }

FF



EXHIBIT

G

1. Alert-Sex Offender relocation notice - NY-Alert:

[www.nyalert.gov/Public/News/AlertView.aspx?notID...refer...](http://www.nyalert.gov/Public/News/AlertView.aspx?notID...refer...)

o Cached

May 7, 2015 - **JOHNNY BOYDE** has moved from NYS DOCCS Cape Vincent Correctional Facility 36560 State Route 12E, Cape Vincent, NY 13618 to 120 ...

EXHIBIT

11



800-849-2878

Login Or

Sign Up

ABOUT US

HOW IT WORKS

PLANS &amp; PRICING

F.A.Q.

CONTACT

Home » New York » Jefferson County » Cape Vincent » Johnny Boyde

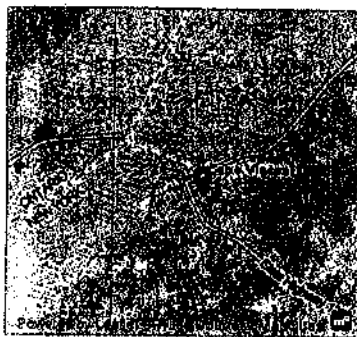


All States



Search

## Sex Offender Johnny Boyde



## Information

Information as of 06/02/2013

Name : Johnny Boyde	Conviction Date : 01/07/2011
Address : Nys Docs Cape Vincent Correctional Facility , 36560 State Route, Cape Vincent, NY 13618-0599	
Date of Birth : /1990	Risk Level : 3
Sex : Male	Race : Black
Height : 5'10"	Weight : 180
Hair : Brown	Eye : Brown

## Violations

Victim Sex: UNKNOWN	Victim Age: UNKNOWN
Offense: Sexual Abuse 1st: Person Incapable of Consent-Physically Helpless	
Citation: PL 130.65 02	
Victim Sex: UNKNOWN	Victim Age: UNKNOWN
Offense: Sexual Abuse 2nd: Sexual Contact With Person Less Than 14 Years Old	
Citation: PL 130.60 02	

All Information displayed on this page was obtained through public domain and in accordance with the Freedom of Information Act  
 The information for this record was obtained on June 2nd, 2013 from the New York State Division of Criminal Justice Services

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#### Do You Have Information On Crime In Your Neighborhood?

Your crime tip may help keep dangerous criminals from harming your community. Tips submitted through the Busted! Tip Line are encrypted and remain confidential.

**Submit A Tip Now**

#### Other Sex Offenders Near Cape Vincent, New York



Christopher L.  
Clark



Frederick  
Curry



Giovanni  
Perez



Milton  
Hamlin



Walter  
Barager



Kraig  
Bolden

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**Mugshots**  
**Offenders**  
**Tip Line**

[Registered Sex Offenders](#)**434,173**

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**His dad was killed in  
the line of duty, now  
this r ...**

Sun, Jun 26th 10:00 AM  
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EXHIBIT

I

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY: ONONDAGA

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In the Matter of the Claim of \_\_\_\_\_

NOTICE OF CLAIM

-against-

City/Town/Village/County/State of \_\_\_\_\_

TO: \_\_\_\_\_

PLEASE TAKE NOTICE that the undersigned claimant makes claim and demands against you as follow(s):

1. The name and post-office address of the claimant is: Syracuse Post-Standard 220 Warren street, Syracuse, New York. Claimant's attorney is **Irene Aurora Flores, ESQ., 447 East Washington Street Syracuse, New York 13202.**

2. The nature of the Claim: On the 14th day of November, 2014, the SUPREME COURT APPELLATE DIVISION, FOURTH DEPARTMENT, 50 E. Avenue, Rochester, New York 14604 had rendered the following order (see *People v. Johnny Boyde*, 122a.d.3d 1302,995 N.Y.S.2d 428):

*"It is hereby ordered that the judgment so appealed from is unanimously reversed as a matter of discretion in the interest of justice and on the law, the plea is vacated, and the matter is remitted to Onondaga County Court for further proceedings on the indictment," (see attached).*

The claimant was charged with violating Penal Law: 130.65[2], 130.60[2]; and 260.10[1], before the above-decision. However, the claimant enter an indictment plea of guilty, accepting ten (10yrs.) of felony probation on 2/15/2011 under the condition(s) of Penal Law: 130.65[2], 13060[2]; and 260.10[1]. In addition, the claimant had received a true term of seven (7yrs.) imprisonment and ten (10yrs.) of post-release supervision under the matter Failure to Report Change of address in ten (10) days-first offense. (see COR0168-F



Coming to a conclusion, in the *People v. Johnny Boyde*, 122a.d.3d,1302,995 N.Y.S.2d 428 at bar, see the following(s) to abet (support) the Onondaga County Court, Judge Joseph E., Fahey, Suit 360, 555 South State Street Syracuse, New York 13202, had unprofessionally; and illegally maintained in the interest of justice and on the law once the APPELLATE DIVISION, FOURTH DEPARTMENT ordered. (see above-and see attached a true copy of the appellate division decision):

**DOUBLE JEOPARDY INFORMATION**

- a. David Wayne BURKS v. UNITED STATES, 437 U.S. 1, 98 S.Ct.2141;
- b. UNITED STATES v. John Arthur SCOTT, 437 U.S. 82, 98 S.Ct. 2187;
- c. People v. Loy WARREN, 80 A.D.2D 905, 437 N.Y.S.2D 19;
- d. People v. Edward E WYSTOZALY, 80 A.D.3D 894, 914 N.Y.S.2D 426;
- e. CRIMINAL PROCEDURE LAW: 470.55(2);

and,

- f. People v, Johnny BOYDE, 122A.D.3D 1302, 995 N.Y.S.2D 428.

4. The items of damage of injuries claimed are: *mental illness, abuse, abandoned, physical illness, loss of relatives, illegal detention/false imprisonment and many more to add!*

Dated: \_\_\_\_/\_\_\_\_/20\_\_\_\_  
Syracuse, New York 13202

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Signature of Claimant

EXHIBIT

J

website: <http://law.justia.com/cases/new-york/appellate-division-fourth-department/2014/1076-ka-13-00991.html>

APPELLATE DEVISION, FOURTH DEPARTMENT DECISION

People v Boyde

People v Boyde 2014 NY Slip Op 07826 Decided on November 14, 2014 Appellate Division, Fourth Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided on November 14, 2014 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Fourth Judicial Department

PRESENT: SMITH, J.P., PERADOTTO, CARNI, VALENTINO, AND WHALEN, JJ.

1076 KA 13-00991

[\*1]THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

v

JOHNNY BOYDE, DEFENDANT-APPELLANT,

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered February 15, 2011. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree, sexual abuse in the second degree and endangering the welfare of a child.

presence of the minor and knows or has reason to know the minor is present or engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate.

(2) Sexual abuse in the first degree is a Class D felony, unless the victim is less than twelve (12) years old, in which case the offense shall be a Class C felony.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 72, sec. 1, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 182, sec. 33, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 259, sec. 5, effective July 15, 2002. -- Created 1974 Ky. Acts ch. 406, sec. 91, effective January 1, 1975.

- 1 NO DESIGNATION 20 YEARS
- 2 NO DESIGNATION LIFE
- 3 NO DESIGNATION LIFE
- 1 YES, DESIGNATION RECEIVED LIFE
- 2 YES, DESIGNATION RECEIVED LIFE
- 3 YES, DESIGNATION RECEIVED LIFE

#### Petition for Relief from Registration

A level 2 sex offender who has not received a designation of sexual predator, sexually violent offender or predicate sex offender, who has been registered for a minimum period of thirty years, may be relieved of any further duty to register upon the granting of a petition for relief by the sentencing court or the court which made the determination regarding duration of registration and level of notification. Correction Law §168-o(1) sets forth the procedures to follow when a level 2 sex offender who has been registered for a minimum of 30 years wishes to file a petition for relief from registration.

#### Petition to Modify Risk Level

Any registered sex offender or district attorney may petition the sentencing court or the court which made the determination regarding the level of notification for an order modifying the level of notification (risk level). Correction Law §168-o sets forth the procedures to follow when a registered sex offender or the district attorney wishes to file a petition to modify an offender's risk level.

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that the sex offender is financially unable to retain counsel, that assignment shall be continued throughout the pendency of the appeal, and the person may appeal as a poor person pursuant to article eighteen-B of the county law. 3. The district attorney may file a petition to modify the level of notification for a sex offender with the sentencing court or with the court which made the determination regarding the level of notification, where the sex offender (a) has been convicted of a new crime, or there has been a determination after a proceeding pursuant to section 410.70 of the criminal procedure law or section two hundred fifty-nine-i of the executive law that the sex offender has violated one or more conditions imposed as part of a sentence of a conditional discharge, probation, parole or post-release supervision for a designated crime, and (b) the conduct underlying the new crime or the violation is of a nature that indicates an increased risk of a repeat sex offense. The petition shall set forth the level of notification sought, together with the reasons for seeking such determination. The district attorney shall bear the burden of proving the facts supporting the requested modification, by clear and convincing evidence. In the event that the district attorney's petition is granted, the sex offender may appeal as of right from the order, pursuant to the provisions of articles fifty-five, fifty-six and fifty-seven of the civil practice law and rules. Where counsel has been assigned to represent the offender upon the ground that he or she is financially unable to retain counsel, that assignment shall be continued throughout the pendency of the appeal, and the person may proceed as a poor person, pursuant to article eighteen-B of the county law. 4. Upon receipt of a petition submitted pursuant to subdivision one, two or three of this section, the court shall forward a copy of the petition to the board and request an updated recommendation pertaining to the sex offender and shall provide a copy of the petition to the other party. The court shall also advise the sex offender that he or she has the right to be represented by counsel at the hearing and counsel will be appointed if he or she is financially unable to retain counsel. A returnable form shall be enclosed in the court's notice to the sex offender on which the sex offender may apply for assignment of counsel. If the sex offender applies for assignment of counsel and the court finds that the offender is financially unable to retain counsel, the court shall assign counsel to represent the offender, pursuant to article eighteen-B of the county law. Where the petition was filed by a district attorney, at least thirty days prior to making an updated recommendation the board shall notify the sex offender and his or her counsel that the offender's case is under review and he or she is permitted to submit to the board any information relevant to the review. The board's updated recommendation on the sex offender shall be confidential and shall not be available for public inspection. After receiving an updated recommendation from the board concerning a sex offender, the court shall, at least thirty days prior to ruling upon the petition, provide a copy of the updated recommendation to the sex offender, the sex offender's counsel and the district attorney and notify them, in writing, of the date set by the court for a hearing on the petition. After reviewing the recommendation received from the board and any relevant materials and evidence submitted by the sex offender and the district attorney, the court may grant or deny the petition. The court may also consult with the victim prior to making a determination on the petition. The court shall render an order setting forth its determination, and the findings of fact and conclusions of law on which the determination is based. If the petition is granted, it shall be the obligation of the court to submit a copy of its order to the division. Upon application of either party, the court shall seal any portion of the court file or record which contains material that is